

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CWP No. 26288 of 2015
Date of Decision: 26 .04.2017**

HC Manjinder Singh

...Petitioner

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G. S. Bal, Senior Advocate with
Mr. A. D. S. Bal, Advocate
for the petitioner.

Mr. L. S. Virk, Additional Advocate General, Punjab.

JAISHREE THAKUR, J.

1. The instant writ petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of Certiorari quashing impugned order dated 13.07.2015 (Annexure P-18) whereby the claim of the petitioner for grant of benefit of promotion against Sports quota has been rejected.

2. In brief, the facts are that the petitioner, being an outstanding sportsman, was recruited as Constable in Punjab Armed Police (PAP) on 26.06.2002. After he joined Punjab Police, he participated in All India Police Games, Open National Athletic Meets and in the Federation Cup of International standards and won Gold, Silver and Bronze medals. On the basis of his sports achievements, the petitioner was granted *ad hoc* promotion as Head Constable w.e.f. 25.04.2008. Since promotion was not a

regular promotion, petitioner appeared for Test B-I and cleared the same. Thereafter, he was deputed to undergo Lower School Course which was to commence w.e.f. 01.10.2009. On completion of the said course, the petitioner was promoted as Head Constable on regular basis.

3. Punjab Government formulated a sports policy vide its letter dated 05.11.2013 (Annexure P-10) which contemplated that in order to provide transparency in accelerated promotions to deserving sports persons to the next higher ranks against Sports quota, marks would be awarded for winning positions in All India Police Games and for winning positions in National/Federation Games and National Championship. The Commandant by letter dated 25.08.2014 recommended granting of promotion to the petitioner to the post of ASI based on his sports achievements which was ultimately rejected by the impugned order. Aggrieved, the instant writ petition has been filed.

4. Learned senior counsel contends that the petitioner had participated and obtained 3rd and 2nd position in All India Police Games for the years 2004 and 2005, respectively; 3rd position in 400 meters relay in the Federation Cup for the years 2003, 2004, 2005 and 5th in 2006. Therefore, he would be governed by the policy dated 15.10.2013.

5. Per contra, counsel for the respondents-State submits that the matter of the petitioner was considered for grant of promotion under said sports policy. The petitioner has not got any fresh sports achievement and, therefore, any sport achievement, prior to issuance of the new sports policy, could not be taken into consideration.

6. I have heard learned counsel for the parties and have perused the record of the case.

7. Admittedly, the petitioner herein was offered appointment as Constable in the year 2002. He was given promotion to the rank of Head Constable in the year 2008 on the basis of his outstanding performance in the field of sports. He was given a regular promotion only after he cleared the Lower School Course. In the policy dated 15.10.2013, it is provided that promotions to the deserving sports persons to the 'next higher ranks' against sports persons quota of 5%, will be given as under: (*Emphasis supplied*)

Sr. No.	Performance	Marks for winning Gold Medal	Marks for winning Silver Medal	Marks for winning Bronze Medal
1	For winning position in All India Police Games Championship	25	20	15
2	For winning position in National/Federation Games, National Championship	40	35	30
3	For participation in Commonwealth Asian Games Championship	30 marks		
4	For participation in Commonwealth Games Championship	40 marks		
5	For participation in Olympics	50 marks		

i) *Promotion of sports performance from one rank to a higher rank will be be given as follows:*

Note: On every step of promotion fresh marks will have to be obtained.

Constable to Head Constable	Min Marks	20
Head Constable to ASI	Min Marks	75
ASI to SI	Min Marks	100

Constable to Head Constable	Min Marks	20
SI to Inspector	Min Marks	150
Inspector to DSP	Min Marks	250

8. A perusal of the note reads “*on every step of promotion fresh marks will have to be obtained*” which would necessarily mean that for promotion on the basis of sports performance from one rank to a higher rank, a person has to obtain certain marks but 'on every step of promotion', 'fresh marks' would have to be obtained, meaning thereby, if a person is to be considered for promotion, he would have had to have participated in games/sports other than those already participated in. The intention of the sports policy seems fairly clear by the use of the words 'fresh marks' and 'on every step of promotion' used in the Note. This Policy would give no benefit to the petitioner admittedly, after his promotion to the post of Head Constable in the year 2008, has not participated in any sport activity nor has obtained any certificate which would entitle him to consideration for promotion to the next post of ASI.

9. An argument has been raised by the learned senior counsel that the sports achievements that the petitioner had after he had got into service should be taken into account since he had been promoted to the post of Head Constable on his own turn.

10. This argument is not sustainable on account of the fact that the sports policy does not specify that past achievements will also be taken into consideration for giving any benefit. It is well settled that in case any policy is formulated, it is always perspective in nature unless and until it is specifically mentioned that the policy/act/statute would act retrospectively as well. The claim of the petitioner was denied by impugned order dated

13.07.2015 which specifically notes that after the promotion of the petitioner as Head Constable, he has not obtained any sports achievement.

11. Therefore, this Court is of the opinion that there is no infirmity in the orders that has been passed declining the benefits of sports policy to the petitioner for grant of promotion to the post of Assistant Sub Inspector.

12. Accordingly, writ petition stands dismissed.

April 26 , 2017

Ansari

**(JAISHREE THAKUR)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
yes/no*